IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.15939 of 2008
PRAMOD JEE @ PRAMOD BARNWAL & ORS
Versus
THE STATE OF BIHR
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3. 09.09.2008 Heard learned counsel for the petitioner and the State.

Petitioner are accused in a case registered for the offences under Sections 302, 149 of the Indian Penal Code.

The allegations against the petitioners are to the effect that they were involved in the commission of murder of son of the complainant. Prior to the complaint, a police case was registered vide Bettiah Town P.S. Case No. 356 of 2003 for the same occurrence.

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Learned counsel for the petitioner submits that after investigation, the police found no material against this petitioner for submitting the charge sheet and, as such, submitted the final form. However, learned Chief Judicial Magistrate differing with the final form, took cognizance of the offences against the petitioner. He further submits that during the pendency of the criminal case, the complainant filed a petition before the Chief

Judicial Magistrate stating therein to the effect that he has filed the complaint at the instance of the witnesses of the said complaint who were connected with some political party and as such, the complainant was misled and implicated the petitioner who belonged to the business community vide annexure-6 of the application.

Learned counsel for the complainant (opposite party no.2) has appeared on being noticed and submits that the application as contained in annexure-6 has been filed by him in the court below after understanding the truthfulness of the fact.

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Learned counsel for the State is not in a position to refute the submission advanced on behalf of the aforesaid party.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners, namely, Pramod Jee @ Pramod Barnwal, Guddu Barnwal, Bijay Barnwal, Sri Narayan Barnwal, Saheb Chawal Wala, Om Prakash

Barnwal and Pintu Barnwal be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah in connection with Complaint Case No. 2526-c/03 corresponding to Trial No. 233 of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Jagdish/- **(Shailesh Kumar Sinha,J)**

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